

Senate Study Bill 3253

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the compensation and benefits for public
2 officials and employees, providing for related matters, and
3 making appropriations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5187XG 81
6 ec/sh/8

PAG LIN

1 1 Section 1. STATE COURTS == JUSTICES, JUDGES, AND
1 2 MAGISTRATES.
1 3 1. The salary rates specified in subsection 2 are for the
1 4 fiscal year beginning July 1, 2006, effective for the pay
1 5 period beginning June 30, 2006, and for subsequent fiscal
1 6 years until otherwise provided by the general assembly. The
1 7 salaries provided for in this section shall be paid from funds
1 8 appropriated to the judicial branch from the salary adjustment
1 9 fund or if the appropriation is not sufficient, from funds
1 10 appropriated to the judicial branch pursuant to any Act of the
1 11 general assembly.
1 12 2. The following annual salary rates shall be paid to the
1 13 persons holding the judicial positions indicated during the
1 14 fiscal year beginning July 1, 2006, effective with the pay
1 15 period beginning June 30, 2006, and for subsequent pay
1 16 periods.
1 17 a. Chief justice of the supreme court:
1 18 \$ 150,110
1 19 b. Each justice of the supreme court:
1 20 \$ 144,000
1 21 c. Chief judge of the court of appeals:
1 22 \$ 138,960
1 23 d. Each associate judge of the court of appeals:
1 24 \$ 134,060
1 25 e. Each chief judge of a judicial district:
1 26 \$ 131,000
1 27 f. Each district judge except the chief judge of a
1 28 judicial district:
1 29 \$ 126,020
1 30 g. Each district associate judge:
1 31 \$ 111,000
1 32 h. Each associate juvenile judge:
1 33 \$ 111,000
1 34 i. Each associate probate judge:
1 35 \$ 111,000
2 1 j. Each judicial magistrate:
2 2 \$ 33,200
2 3 k. Each senior judge:
2 4 \$ 7,100
2 5 3. Persons receiving the salary rates established under
2 6 this section shall not receive any additional salary
2 7 adjustments provided by this Act.
2 8 Sec. 2. APPOINTED STATE OFFICERS. Notwithstanding section
2 9 20.5, subsection 3, the governor shall establish a salary for
2 10 appointed nonelected persons in the executive branch of state
2 11 government holding a position enumerated in section 3 of this
2 12 Act within the range provided, by considering, among other
2 13 items, the experience of the individual in the position,
2 14 changes in the duties of the position, the incumbent's
2 15 performance of assigned duties, and subordinates' salaries.
2 16 However, the attorney general shall establish the salary for

2 17 the consumer advocate, the chief justice of the supreme court
2 18 shall establish the salary for the state court administrator,
2 19 the Iowa public broadcasting board shall establish the salary
2 20 for the administrator of the public broadcasting division of
2 21 the department of education, the ethics and campaign
2 22 disclosure board shall establish the salary of the executive
2 23 director, and the state fair board shall establish the salary
2 24 of the secretary of the state fair board, each within the
2 25 salary range provided in section 3 of this Act.

2 26 The governor, in establishing salaries as provided in
2 27 section 3 of this Act, shall take into consideration other
2 28 employee benefits which may be provided for an individual
2 29 including but not limited to housing.

2 30 A person whose salary is established pursuant to section 3
2 31 of this Act and who is a full-time, year-round employee of the
2 32 state shall not receive any other remuneration from the state
2 33 or from any other source for the performance of that person's
2 34 duties unless the additional remuneration is first approved by
2 35 the governor or authorized by law. However, this provision
3 1 does not exclude the reimbursement for necessary travel and
3 2 expenses incurred in the performance of duties or fringe
3 3 benefits normally provided to employees of the state.

3 4 Sec. 3. STATE OFFICERS == SALARY RANGE. The following
3 5 annual salary ranges are effective for the positions specified
3 6 in this section for the fiscal year beginning July 1, 2006,
3 7 and for subsequent fiscal years until otherwise provided by
3 8 the general assembly. The governor or other person designated
3 9 in section 2 of this Act shall determine the salary to be paid
3 10 to the person indicated at a rate within this salary range
3 11 from funds appropriated by the general assembly for that
3 12 purpose.

3 13 1. The following are salary ranges for state officers for
3 14 the fiscal year beginning July 1, 2006, effective with the pay
3 15 period beginning June 30, 2006:

3 16	SALARY RANGE	<u>Minimum</u>	<u>Maximum</u>
3 17	a. Range 1	\$ 8,800	\$ 34,430
3 18	b. Range 2	\$ 45,395	\$ 69,460
3 19	c. Range 3	\$ 52,210	\$ 79,880
3 20	d. Range 4	\$ 60,040	\$ 91,860
3 21	e. Range 5	\$ 69,045	\$105,640
3 22	f. Range 6	\$ 79,405	\$121,490
3 23	g. Range 7	\$ 95,055	\$145,430

3 24 2. The following are range 1 positions: There are no
3 25 range 1 positions for the fiscal year beginning July 1, 2006.

3 26 3. The following are range 2 positions: administrator of
3 27 the arts division of the department of cultural affairs,
3 28 administrators of the division of persons with disabilities,
3 29 the division on the status of women, the division on the
3 30 status of Asian and Pacific islander heritage, the division on
3 31 the status of African-Americans, the division of deaf
3 32 services, and the division of Latino affairs of the department
3 33 of human rights.

3 34 4. The following are range 3 positions: administrator of
3 35 the division of criminal and juvenile justice planning of the
4 1 department of human rights, administrator of the division of
4 2 community action agencies of the department of human rights,
4 3 executive director of the department of veterans affairs, and
4 4 chairperson and members of the employment appeal board of the
4 5 department of inspections and appeals.

4 6 5. The following are range 4 positions: director of the
4 7 department of human rights, director of the Iowa state civil
4 8 rights commission, executive director of the college student
4 9 aid commission, director of the department for the blind,
4 10 executive director of the ethics and campaign disclosure
4 11 board, members of the public employment relations board, and
4 12 chairperson, vice chairperson, and members of the board of
4 13 parole.

4 14 6. The following are range 5 positions: state public
4 15 defender, drug policy coordinator, labor commissioner,
4 16 administrator of the division of homeland security and
4 17 emergency management of the department of public defense,
4 18 workers' compensation commissioner, director of the department
4 19 of cultural affairs, director of the department of elder
4 20 affairs, director of the law enforcement academy, and
4 21 administrator of the historical division of the department of
4 22 cultural affairs.

4 23 7. The following are range 6 positions: administrator of
4 24 the alcoholic beverages division of the department of
4 25 commerce, director of the department of inspections and
4 26 appeals, commandant of the Iowa veterans home, commissioner of
4 27 public safety, commissioner of insurance, executive director

4 28 of the Iowa finance authority, director of the department of
4 29 natural resources, superintendent of banking, superintendent
4 30 of credit unions, director of the department of corrections,
4 31 consumer advocate, and chairperson of the utilities board.
4 32 The other members of the utilities board shall receive an
4 33 annual salary within a range of not less than 90 percent but
4 34 not more than 95 percent of the annual salary of the
4 35 chairperson of the utilities board.

5 1 8. The following are range 7 positions: director of the
5 2 department of education, director of human services, director
5 3 of the department of economic development, executive director
5 4 of the Iowa telecommunications and technology commission,
5 5 administrator of the public broadcasting division of the
5 6 department of education, executive director of the state board
5 7 of regents, director of the state department of
5 8 transportation, director of the department of workforce
5 9 development, director of revenue, director of public health,
5 10 state court administrator, secretary of the state fair board,
5 11 director of the department of management, and director of the
5 12 department of administrative services.

5 13 Sec. 4. COLLECTIVE BARGAINING AGREEMENTS FUNDED == GENERAL
5 14 FUND. There is appropriated from the general fund of the
5 15 state to the salary adjustment fund for distribution by the
5 16 department of management to the various state departments,
5 17 boards, commissions, councils, and agencies, excluding the
5 18 state board of regents, for the fiscal year beginning July 1,
5 19 2006, and ending June 30, 2007, the amount of \$39,632,095, or
5 20 so much thereof as may be necessary, to fully fund annual pay
5 21 adjustments, expense reimbursements, and related benefits
5 22 implemented pursuant to the following:

5 23 1. The collective bargaining agreement negotiated pursuant
5 24 to chapter 20 for employees in the blue collar bargaining
5 25 unit.

5 26 2. The collective bargaining agreement negotiated pursuant
5 27 to chapter 20 for employees in the public safety bargaining
5 28 unit.

5 29 3. The collective bargaining agreement negotiated pursuant
5 30 to chapter 20 for employees in the security bargaining unit.

5 31 4. The collective bargaining agreement negotiated pursuant
5 32 to chapter 20 for employees in the technical bargaining unit.

5 33 5. The collective bargaining agreement negotiated pursuant
5 34 to chapter 20 for employees in the clerical bargaining unit.

5 35 6. The collective bargaining agreement negotiated pursuant
6 1 to chapter 20 for employees in the professional social
6 2 services bargaining unit.

6 3 7. The collective bargaining agreement negotiated pursuant
6 4 to chapter 20 for employees in the community-based corrections
6 5 bargaining unit.

6 6 8. The collective bargaining agreements negotiated
6 7 pursuant to chapter 20 for employees in the judicial branch of
6 8 government bargaining units.

6 9 9. The collective bargaining agreement negotiated pursuant
6 10 to chapter 20 for employees in the patient care bargaining
6 11 unit.

6 12 10. The collective bargaining agreement negotiated
6 13 pursuant to chapter 20 for employees in the science bargaining
6 14 unit.

6 15 11. The annual pay adjustments, related benefits, and
6 16 expense reimbursements referred to in section 5 of this Act
6 17 for employees not covered by a collective bargaining
6 18 agreement.

6 19 Sec. 5. NONCONTRACT STATE EMPLOYEES == GENERAL.

6 20 1. a. For the fiscal year beginning July 1, 2006, the
6 21 maximum salary levels of all pay plans provided for in section
6 22 8A.413, subsection 2, as they exist for the fiscal year ending
6 23 June 30, 2006, shall be increased by 2 percent for the pay
6 24 period beginning June 30, 2006, and any additional changes in
6 25 the pay plans shall be approved by the governor.

6 26 b. For the fiscal year beginning July 1, 2006, employees
6 27 may receive a step increase or the equivalent of a step
6 28 increase.

6 29 2. The pay plans for state employees who are exempt from
6 30 chapter 8A, subchapter IV, and who are included in the
6 31 department of administrative service's centralized payroll
6 32 system shall be increased in the same manner as provided in
6 33 subsection 1, and any additional changes in any executive
6 34 branch pay plans shall be approved by the governor.

6 35 3. This section does not apply to members of the general
7 1 assembly, board members, commission members, salaries of
7 2 persons set by the general assembly pursuant to this Act or
7 3 set by the governor, other persons designated in section 2 of

7 4 this Act, employees designated under section 8A.412,
7 5 subsection 5, and employees covered by 11 IAC 53.6(3).
7 6 4. The pay plans for the bargaining eligible employees of
7 7 the state shall be increased in the same manner as provided in
7 8 subsection 1, and any additional changes in such executive
7 9 branch pay plans shall be approved by the governor. As used
7 10 in this section, "bargaining eligible employee" means an
7 11 employee who is eligible to organize under chapter 20, but has
7 12 not done so.
7 13 5. The policies for implementation of this section shall
7 14 be approved by the governor.
7 15 Sec. 6. APPROPRIATIONS FROM ROAD FUNDS.
7 16 1. There is appropriated from the road use tax fund to the
7 17 salary adjustment fund for the fiscal year beginning July 1,
7 18 2006, and ending June 30, 2007, the following amount, or so
7 19 much thereof as may be necessary, to be used for the purpose
7 20 designated:
7 21 To supplement other funds appropriated by the general
7 22 assembly:
7 23 \$ 1,416,695
7 24 2. There is appropriated from the primary road fund to the
7 25 salary adjustment fund, for the fiscal year beginning July 1,
7 26 2006, and ending June 30, 2007, the following amount, or so
7 27 much thereof as may be necessary, to be used for the purpose
7 28 designated:
7 29 To supplement other funds appropriated by the general
7 30 assembly:
7 31 \$ 9,593,363
7 32 3. Except as otherwise provided in this Act, the amounts
7 33 appropriated in subsections 1 and 2 shall be used to fund the
7 34 annual pay adjustments, expense reimbursements, and related
7 35 benefits for public employees as provided in this Act.
8 1 Sec. 7. SPECIAL FUNDS == AUTHORIZATION. To departmental
8 2 revolving, trust, or special funds, except for the primary
8 3 road fund or the road use tax fund, for which the general
8 4 assembly has established an operating budget, a supplemental
8 5 expenditure authorization is provided, unless otherwise
8 6 provided, in an amount necessary to fund salary adjustments as
8 7 otherwise provided in this Act.
8 8 Sec. 8. GENERAL FUND SALARY MONEYS. Funds appropriated
8 9 for distribution from the salary adjustment fund in section 4
8 10 of this Act relate only to salaries supported from general
8 11 fund appropriations of the state except for employees of the
8 12 state board of regents.
8 13 Sec. 9. FEDERAL FUNDS APPROPRIATED. All federal grants to
8 14 and the federal receipts of the agencies affected by this Act
8 15 which are received and may be expended for purposes of this
8 16 Act are appropriated for those purposes and as set forth in
8 17 the federal grants or receipts.
8 18 Sec. 10. STATE TROOPER MEAL ALLOWANCE. The sworn peace
8 19 officers in the department of public safety who are not
8 20 covered by a collective bargaining agreement negotiated
8 21 pursuant to chapter 20 shall receive the same per diem meal
8 22 allowance as the sworn peace officers in the department of
8 23 public safety who are covered by a collective bargaining
8 24 agreement negotiated pursuant to chapter 20.
8 25 Sec. 11. SICK LEAVE CONVERSION. It is the intent of the
8 26 general assembly that the sick leave conversion program under
8 27 the collective bargaining agreement that covers the greatest
8 28 number of state employees and that affects sick leave accrual
8 29 and allows sick leave conversion and use upon retirement for
8 30 payment of certain health insurance premiums shall be extended
8 31 to employees in the executive branch, excluding state board of
8 32 regents employees, not covered by a collective bargaining
8 33 agreement, consistent with any legislation enacted during the
8 34 2006 Regular Session of the general assembly providing for
8 35 such extension.
9 1 Sec. 12. Section 99D.6, Code 2005, is amended to read as
9 2 follows:
9 3 99D.6 CHAIRPERSON == ADMINISTRATOR == EMPLOYEES == DUTIES
9 4 == BOND.
9 5 The commission shall elect in July of each year one of its
9 6 members as chairperson for the succeeding year. The
9 7 commission shall appoint an administrator of the commission
9 8 subject to confirmation by the senate. The administrator
9 9 shall serve a four-year term. The term shall begin and end in
9 10 the same manner as set forth in section 69.19. A vacancy
9 11 shall be filled for the unexpired portion of the term in the
9 12 same manner as a full-term appointment is made. The
9 13 administrator may hire other assistants and employees as
9 14 necessary to carry out the commission's duties. Employees in

9 15 the positions of equine veterinarian, canine veterinarian, and
9 16 equine steward shall be exempt from the merit system
9 17 provisions of chapter 8A, subchapter IV, and shall not be
9 18 covered by a collective bargaining agreement. Some or all of
9 19 the information required of applicants in section 99D.8A,
9 20 subsections 1 and 2, may also be required of employees of the
9 21 commission if the commission deems it necessary. The
9 22 administrator shall keep a record of the proceedings of the
9 23 commission and preserve the books, records, and documents
9 24 entrusted to the administrator's care. The administrator
9 25 shall be covered by the blanket surety bond of the state
9 26 purchased pursuant to section 8A.321, subsection 12. Subject
9 27 to the approval of the governor, the commission shall fix the
9 28 compensation of the administrator within the salary range ~~as~~
~~9 29 set by the general assembly under the pay plan for exempt~~
~~9 30 positions in the executive branch of government provided for~~
~~9 31 in section 8A.413, subsection 2.~~ The commission shall have
9 32 its headquarters in the city of Des Moines and shall meet in
9 33 July of each year and at other times and places as it finds
9 34 necessary for the discharge of its duties.

9 35 Sec. 13. Section 256.81, subsection 1, Code 2005, is
10 1 amended to read as follows:

10 2 1. The public broadcasting division of the department of
10 3 education is created. The chief administrative officer of the
10 4 division is the administrator who shall be appointed by and
10 5 serve at the pleasure of the Iowa public broadcasting board.
10 6 ~~The governor board shall set the division administrator's~~
10 7 ~~salary within the applicable salary range established by the~~
10 8 ~~general assembly unless otherwise provided by law.~~

10 9 Educational programming shall be the highest priority of the
10 10 division. The director of the department of education and the
10 11 state board of education are not liable for the activities of
10 12 the division of public broadcasting.

10 13 Sec. 14. Section 256.82, subsection 1, unnumbered
10 14 paragraph 1, Code 2005, is amended to read as follows:

10 15 The Iowa public broadcasting board is created to plan,
10 16 establish, and operate educational radio and television
10 17 facilities and other telecommunications services ~~including~~

~~10 18 narrowcast and broadcast systems~~ to serve the educational
10 19 needs of the state. The board shall be composed of nine
10 20 members selected in the following manner:

10 21 Sec. 15. Section 256.82, subsection 1, paragraph a,
10 22 subparagraphs (1) and (2), Code 2005, are amended to read as
10 23 follows:

10 24 (1) One member shall be appointed from the business
10 25 community other than ~~the commercial broadcasting industry and~~
10 26 ~~the television and telecommunications industry.~~

10 27 (2) One member shall be appointed ~~from the commercial~~
~~10 28 broadcast with experience in or knowledge about the television~~
10 29 industry.

10 30 Sec. 16. Section 256.82, subsection 1, paragraph b,
10 31 subparagraph (4), Code 2005, is amended to read as follows:

10 32 (4) One member ~~who is knowledgeable about~~
~~10 33 telecommunications~~ shall be appointed by the state board of
10 34 regents.

10 35 Sec. 17. Section 256.84, subsections 1 and 2, Code 2005,
11 1 are amended to read as follows:

11 2 1. The board may purchase, lease, and improve property,
11 3 equipment, and services for educational telecommunications
11 4 including the broadcast and narrowcast systems, and may
11 5 dispose of property and equipment when not necessary for its
11 6 purposes. ~~The board and division administrator may arrange~~
~~11 7 for joint use of available services and facilities.~~

11 8 2. The board shall apply for channels, frequencies,
11 9 licenses, ~~and permits, and other authorizations~~ as necessary
11 10 for the performance of the board's duties.

11 11 Sec. 18. Section 256.84, subsection 5, Code 2005, is
11 12 amended by striking the subsection.

11 13 Sec. 19. Section 256.84, Code 2005, is amended by adding
11 14 the following new subsections:

11 15 NEW SUBSECTION. 11. To preserve the integrity of its
11 16 editorial processes, the board may select programming, content
11 17 partners, and other authorized contractual services without
11 18 using a competitive selection process or performance measures
11 19 that may otherwise be required by law for such services. For
11 20 purposes of this subsection, authorized contractual services
11 21 are those services related, directly or indirectly, to the
11 22 development of program production and instructional and
11 23 educational media. Authorized contractual services include
11 24 but are not limited to on-air performers, producers or
11 25 directors, field producers, writers, production assistants,

11 26 manual laborers, mobile unit services, closed captioning
11 27 services, duplication of tape services, and satellite
11 28 services.

11 29 NEW SUBSECTION. 12. The board shall approve for
11 30 submission the annual budget request and any supplementary
11 31 budget request for the public broadcasting division of the
11 32 department of education.

11 33 Sec. 20. Section 256.85, Code 2005, is amended to read as
11 34 follows:

11 35 256.85 PURCHASE OF ENERGY EFFICIENCY PACKAGES.

12 1 The public broadcasting division of the department of
12 2 education may use the state of Iowa facilities improvement
12 3 corporation to purchase energy efficiency packages ~~for its~~
12 4 ~~ultrahigh frequency transmitters.~~

12 5 Sec. 21. Section 421.1A, subsection 6, Code Supplement
12 6 2005, is amended to read as follows:

12 7 6. The members of the property assessment appeal board
12 8 shall receive compensation from the state commensurate with
12 9 the salary of a district judge. The members of the board
12 10 shall ~~not~~ be considered state employees for purposes of salary
12 11 and benefits. The members of the board and any employees of
12 12 the board, when required to travel in the discharge of
12 13 official duties, shall be paid their actual and necessary
12 14 expenses incurred in the performance of duties.

12 15 Sec. 22. Section 256.89, Code 2005, is repealed.

12 16 EXPLANATION

12 17 This bill relates to the funding for the fiscal year
12 18 beginning July 1, 2006, of salary increases for state
12 19 appointed nonelected officers, justices, judges, magistrates,
12 20 employees subject to collective bargaining agreements, and
12 21 certain noncontract employees.

12 22 The bill provides supplemental authorization to fund
12 23 salaries from trust, revolving, and special funds for which
12 24 the general assembly has established a budget.

12 25 The bill provides for extending the sick leave conversion
12 26 program under the collective bargaining agreement that covers
12 27 the greatest number of state employees and that affects sick
12 28 leave accrual and allows sick leave conversion and use upon
12 29 retirement for payment of certain health insurance premiums to
12 30 nonregents employees in the executive branch who are not
12 31 covered by a collective bargaining agreement.

12 32 Code section 99D.6, concerning the administrator of the
12 33 racing and gaming commission, is amended to provide that the
12 34 salary of the administrator shall be based upon the pay plan
12 35 for exempt positions in the executive branch of government and
13 1 not set by the general assembly.

13 2 Code section 421.1A, concerning the property assessment
13 3 appeal board, is amended to provide that members of the board
13 4 shall be considered state employees for purposes of salary and
13 5 benefits. Current law provides that board members shall not
13 6 be considered state employees.

13 7 The bill also makes changes concerning the public
13 8 broadcasting division of the department of education. The
13 9 bill provides that the public broadcasting board shall set the
13 10 salary of the administrator of the division within the range
13 11 established in the bill. Current law provides that the
13 12 governor sets the administrator's salary.

13 13 Code section 256.82, concerning the public broadcasting
13 14 board, is amended to provide that the member appointed by the
13 15 state board of regents need not be knowledgeable about
13 16 telecommunications.

13 17 Code section 256.84, concerning the board's powers, is also
13 18 amended by the bill. Provisions allowing the board and the
13 19 division to arrange for joint use of available services and
13 20 facilities and requiring the board to adopt and update a
13 21 design plan for educational and telecommunications systems in
13 22 the state are eliminated by the bill. Code section 256.89
13 23 concerning the state plan is also repealed by the bill. Code
13 24 section 256.84 is also amended to provide that the board may
13 25 select programming, content partners, and other contractual
13 26 services without using a competitive selection or performance
13 27 measure process. Contractual services included in this
13 28 exception are those related to program production and
13 29 instructional and educational media. In addition, Code
13 30 section 256.84 is amended to provide that the board shall
13 31 approve for submission the public broadcasting division's
13 32 budget.

13 33 LSB 5187XG 81

13 34 ec:mg/sh/8.4